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REMARKS

Applicants request reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks.

Claims 2, 3, 6, 8, 15, and 17 are pending in the present application. Claims 2 and 3 are the independent claims.

Claims 2 and 3 have been amended to incorporate the features previously found in claims 16 and 7, respectively. Claims 1, 7, 9-12, and 16 have been cancelled without prejudice or disclaimer. Claims 1 and 9-12 were previously withdrawn from consideration.

Claims 2, 3, 6, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,992,940 to Dworkin in view of U.S. Patent Application Publication No. 2002/0030854 by Schutz et al. Claims 7 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dworkin in view of U.S. Patent No. 6,094,645 to Aggarwal et al. Claims 8 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dworkin. Of the rejected claims, claims 7 and 16 have been cancelled. All rejections are respectfully traversed.

Independent claim 2 recites, *Inter alia*, "receiving designation data which includes goods designation information designating goods the customer desires to buy, packaging material designation information designating a packaging material selected by the customer and delivery destination information specifying a delivery destination of the goods, wherein the designation data is regarded as an offer of a sales contract for the goods designated by the good designation information, from the customer to a retailer indicated by the packaging material designated by the packaging material designation information, and the computer receives the designation data as an agent of the retailer", "extracting order data whose retailer information indicates a retailer different from that indicated by the retailer information in the goods data corresponding to goods designation information in the same order data", and "gathering statistics including the retailer information and goods designation information in the extracted order data", wherein "said goods data includes retailer information indicating every retailer usually selling corresponding goods".

Independent claim 3 has been amended to recite similar features.

In a non-limiting example, by the aforementioned features, a retailer can appreciate which goods they have not dealt with in their stores, yet are sold as their merchandise through the network system. Thus, it may be useful for the retailer in determining which merchandise to stock, or whether to broaden a deal to extend to a physical store.

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Without conceding the propriety of the asserted combinations, it is respectfully submitted that the asserted citations do not teach or suggest at least the aforementioned features of amended independent claims 2 and 3.

Dworkin relates to a system and method for automated selection of equipment for purchase through input of user desired specifications. Dworkin describes an automated system which assists a user in locating and purchasing goods or services sold by a plurality of vendors. Applicant respectfully submits that, according to the teachings of Dworkin, vendors themselves have to prepare stock for sale through the system, form sales contracts with customers, and ship any merchandise sold to the customer. Thus, in contrast to the present invention, the administrator of CPU 1 does not function as an agent of the vendor or retailer.

Schutz et al. relates to generating a courier shipping label or the like, including an ornamental graphic design, at a non-courier printer. Schutz et al. also fails to teach or suggest that a computer functions as an agent of the vendor or retailer.

At page 9, the Office Action acknowledges that Dworkin and Schutz et al. fail to teach or suggest gathering statistics including the retailer information and goods designation information in the extracted order data. The Office Action contends that Aggarwal et al. teaches these features. This contention, however, is respectfully traversed.

Aggarwal et al. is related to finding collective baskets and inference rules for internet or intranet mining for large databases. Absent from Aggarwal et al. is any teaching or suggestion that statistics, including the retailer information and goods designation information in the extracted order data, are gathered. Indeed, Aggarwal et al. merely teaches that "Given a database of sale transactions, it is desirable to discover the important associations among items such that the presence of some items in a transaction will imply the presence of other items in the same transaction". Aggarwal et al. at col. 1, lines 63-66. Consequently, Aggarwal et al. does not teach or suggest gathering statistics including the retailer information and goods designation information in the extracted order data.

In view of the foregoing, it is respectfully submitted that the asserted combination does not teach or suggest at least "receiving designation data which includes goods designation information designating goods the customer desires to buy, packaging material designation information designating a packaging material selected by the customer and delivery destination information specifying a delivery destination of the goods, wherein the designation data is regarded as an offer of a sales contract for the goods designated by the good designation information, from the customer to a retailer indicated by the packaging material designated by the packaging material designation information, and the computer receives the designation data

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as an agent of the retailer", "extracting order data whose retailer information indicates a retailer different from that indicated by the retailer information in the goods data corresponding to goods designation information in the same order data", and "gathering statistics including the retailer information and goods designation information in the extracted order data", wherein "said goods data includes retailer information indicating every retailer usually selling corresponding goods".

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 2 and 3 under 35 U.S.C. §103 are respectfully requested.

In view of the foregoing, Applicant respectfully submits that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant believes that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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